

-PS-CD-O-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WALTER PAGAN, 03B0749,

Petitioner,

-v-

JAMES BERBARY,

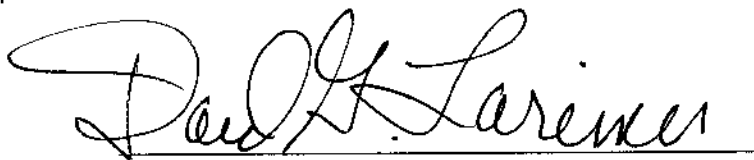
Respondent.

DECISION AND ORDER
05-CV-6431L(P)

Petitioner, an inmate at the Collins Correctional Facility, has brought this proceeding under 28 U.S.C. § 2254. Petitioner seeks to challenge a conviction reached in the Supreme Court located in Onondaga County, New York. The Court finds that the Northern District of New York would be a more convenient forum for this action because all of the records relating to the petitioner's underlying criminal conviction are located in that district. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 499, n.15 (1973). The determination of the petitioner's motion for permission to proceed *in forma pauperis* has been left to the Northern District of New York.

IT HEREBY IS ORDERED, that the case is transferred to the United States District Court for the Northern District of New York.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

DATED: September 6, 2005
Rochester, New York